

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1, 3-10, 12-19, 21-30, 32, and 34-44 are pending in the application, with claims 1, 19, 29, 40, and 41 being the independent claims. Claims 1, 4-7, 10, 12-16, 19, 22-23, 25-26, 28-30 and 33-37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 971,578 to Walker (hereinafter “Walker”).

Claims 1, 3, 5-7, 10, 14-15, 18-19, 21, 23-24, 29-30, 32, 36, and 39-44 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 522,667 to Minnemeyer (hereinafter “Minnemeyer”).

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Minnemeyer.

Claims 1, 3-7, 10-12, 14-16, 19, 21-23, 25-26, 28-30, 32, 34-37, and 40-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 543,922 to Buckley (hereinafter “Buckley”) in view of Walker.

Claims 17, 27, and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Minnemeyer in view of Buckley and in further view of U.S. Patent No. 6,821,427 to Macpherson (hereinafter “Macpherson”).

Based on the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

I. Claims 1, 4-7, 10, 12-16, 19, 22-23, 25-26, 28-30 and 33-37 are patentable over Walker.

Claims 1, 4-7, 10, 12-16, 19, 22-23, 25-26, 28-30 and 33-37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Walker. For the following reasons, this rejection is respectfully traversed.

Independent claims 1, 19, and 41 recite a “bypass adapted to provide a first alternative route for fluid to pass through said apparatus.” Independent claim 29 recites “a bypass means” and Independent claim 40 recites “a bypass route.” These bypasses are absent in Walker.

Pipes 2 and 16 in Walker lead to a cistern and sewer respectively (see Walker, page 1, lines 47-48 and lines 90-91). In Walker, water is directed to the cistern by configuring the pipes as shown by the solid lines of Figure 2 (see Walker, page 1, lines 34-38) or to the sewer by configuring the pipes as shown by the dotted lines of Figure 2 (see Walker, page 2, lines 13-25). The configuration in Figure 1 shows water directed into a catch barrel or other receptacle (see Walker, page 1, lines 31-34). In each of the three possible configurations water flows to a different outlet by a different path (see, e.g. Walker, page 2, lines 35-43; page 1, lines 50-57). In Walker water may only take a single path to each outlet and therefore, Walker does not disclose or suggest a route to an outlet as well as a bypass or alternate path to the same outlet.

Just as Walker discloses diverting water to multiple destinations, but not an alternative path or bypass route for that water, he does disclose or suggest a contained, compact apparatus. Applicant's invention is an apparatus that provides a route for fluid to pass through as well as an alternative route for fluid to pass through to the same destination. Walker, on the other hand, provides a configuration of pipes that may "direct water to any desired point" (page 2, lines 51-52). Walker thus fails to disclose or suggest every element of the claim and the rejection is respectfully traversed.

II. Claims 1, 3, 5-7, 10, 14-15, 18-19, 21, 23-24, 29-30, 32, 36, and 39-44 are patentable over Minnemeyer.

Claims 1, 3, 5-7, 10, 14-15, 18-19, 21, 23-24, 29-30, 32, 36, and 39-44 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Minnemeyer. For the following reasons, this rejection is also respectfully traversed.

Independent claims 1, 19, and 41 recite a "bypass adapted to provide a first alternative route for fluid to pass through said apparatus." Independent claim 29 recites "a bypass means" and Independent claim 40 recites "a bypass route." Minnemeyer does not disclose or suggest these recitations. Like Walker, Minnemeyer may disclose or suggest diverting water to multiple destinations, but Minnemeyer does not disclose or suggest providing a route for fluid as well as an alternative route to the same destination. Instead, Minnemeyer's invention has a cut-off, by

which “water may be deflected either into the section of pipe leading to cistern, or into that leading to the waste pipe” (page 1, lines 48-51).

Minnemeyer thus fails to disclose or suggest every element of the claim and the rejection is respectfully traversed.

III. Claims 8 and 9 are patentable over Walker in view of Minnemeyer.

Applicant respectfully traverse's Examiner's rejection of 102(b) based upon more than 1 patent. Under 102(b), claims may only be rejected if a single piece of prior art discloses each and every element of the claims.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Minnemeyer. For the following reasons, this rejection is respectfully traversed.

As noted above, neither Walker nor Minnemeyer disclose or suggest the features found in Claims 1-7, for at least because they lack “a first alternative route for fluid to pass through said apparatus” and both fail to provide a “bypass route.” Combining these references likewise fails to disclose or suggest those features.

Applicant also respectfully traverses the obviousness of combining Walker with Minnemeyer. Walker is directed to diverting rain water either to a sewer or a cistern while Minnemeyer is directed to a strainer for conductor pipes. No motivation appears in either application to combine the rain-water cutoff of Walker with the strainer of Minnemeyer. Likewise, it would not have been obvious to combine the two inventions for at least because they relate to different methods of handling unclean rain water (filtering rain water versus diverting it to a sewer).

IV. Claims 1, 3-7, 10-12, 14-16, 19, 21-23, 25-26, 28-30, 32, 34-37, and 40-43 are patentable over Buckley in view of Walker.

Claims 1, 3-7, 10-12, 14-16, 19, 21-23, 25-26, 28-30, 32, 34-37, and 40-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 543,922 to Buckley

(hereinafter “Buckley”) in view of Walker. For the following reasons, this rejection is respectfully traversed.

Independent claims 1, 19, 29, 40, and 41 recite “a filter basket.” Buckley fails to disclose or suggest this feature. Also, as pointed out by the Examiner, Buckley fails to disclose or suggest a “bypass adapted to provide a first alternative route for fluid to pass through said apparatus” or “a bypass means” or “a bypass route.” To cure this deficiency, the Examiner relies upon Walker. However, as noted above, Walker fails to disclose or suggest an alternative route for fluid to pass through the apparatus, and as such does not disclose or suggest the features of the current invention. Neither Buckley, nor Walker, taken alone or in combination disclose or suggest the features of the current application.

Applicant also respectfully traverses the obviousness of combining Buckley with Walker. Buckley is directed to a filter, while Walker is directed to diverting rain water either to a sewer or a cistern. No motivation appears in either application to combine the filter of Buckley with the rain-water cutoff of Walker. Likewise, it would not have been obvious to combine the two inventions for at least because they relate to different methods of handling unclean rain water (filtering rain water versus diverting it to a sewer).

V. Claims 17, 27, and 38 are patentable over Buckley in view of Walker in further view of Macpherson.

Claims 17, 27, and 38 are dependent upon Claims 1, 19, and 29, respectively. Claims 1 and 19 recite a “bypass adapted to provide a first alternative route for fluid to pass through said apparatus.” Claim 29 recites “a bypass means.” As noted above, taken alone or in combination, neither Buckley nor Walker disclose or suggest the features found in Applicant’s invention. Combining Macpherson with Buckley and Walker also fails to disclose or suggest the invention for at least because, as noted above, neither Macpherson nor Buckley nor Walker disclose or suggest a bypass or alternative route for fluid to pass.

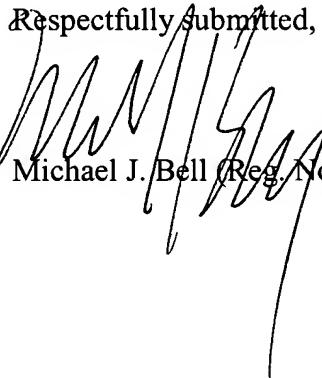
Finally, applicant respectfully traverses the obviousness of combining Macpherson with Buckley and Walker. No motivation to combine these inventions can be found in the patents. For at least because they represent different ways of treating rainwater (filtering vs. diverting to a

sewer), it would not have been obvious to one of ordinary skill in the art at the time of the invention to combine them.

Conclusion

Applicant respectfully submits that the foregoing remarks demonstrate that entry of these amendments places the present application in condition for allowance, or in the alternative, better form for appeal. All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

Michael J. Bell (Reg. No. 39,604)

Date: November 8, 2006

HOWREY LLP
2941 Fairview Park Drive, Box 7
Falls Church, VA 22042
(703) 663-3600